

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE

MARCEL C. BRISTOL

DEBTOR

V.

MARIA DEROSA, TRUSTEE
CARRINGTON MORTGAGE
WELL FARGO BANK

APPELLEE

NOTICE OF APPEAL

BANKRUPTCY CASE NO.08-0972748

CHAPTER 13

PLEASE TAKE NOTICE, that the Debtor MARCEL C. BRISTOL, hereby appeal to the United States District court of the Eastern District of New York, from the order of the U.S Bankruptcy court of the Eastern District of New York, dismissing the Debtor petition for Bankruptcy relief on or before July 9, 2009, or after July 9, 2009.

This appeal is from each and every part of said judgment or order entered on or before July 9, 2009, or after July 9, 2009.

NOTICE TO:

MARIA DEROSA, TRUSTEE
100 JERICHO QUADRANGLE
STE 208
JERHICO, N.Y 11753


MARCEL C. BRISTOL, PRO SE

DATED JULY 16, 2009

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U.S. BANKRUPTCY
EASTERN DISTRICT OF
NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE

MARCEL C. BRISTOL

DEBTOR

-AGAINST-

BANKRUPTCY CASE NO.8-0972748

MARIA DEROSA, TRUSTEE

APPELLEE

Application in support of
motion to extend automatic
stay pending determination
of appeal

The application of Marcel C. Bristol shows and alleges that:

1. He is the debtor in the above referenced matter and as such, he is familiar and knowledgeable with all the facts of this case.
2. That a voluntary petition was filed in the Bankruptcy court on about April 21, 2009 and all the necessary papers, documents were provided, and all court fees were paid.
3. That attendance to all scheduled hearing and meeting have been complied to, and there is no deficiency of filing.
4. That there is no cause for dismissal and the Debtor is entitled for relief under the United States Bankruptcy act.
5. That the Debtor pray this honorable court will waive the filing fee to prosecute this appeal. The issues involved as alleged are meritorious, and submitted in good faith.
6. That the debtor took no action inconsistent to prejudice the right of the creditors. Their best interest is being served by timely payment of the re-payment scheduled.
7. That about May 5, 2009, correspondence from the appointed trustee, Maria Derosa, indicating the repayment plan, which the debtor has been honored on a timely basis, as stated above, has been approved, and must be paid before the 21st of each month.

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8. That there has been no default, the debtor made every payment on time and he is committed to adhere to the term of repayment until the determination of this appeal. It should be noted that all payments made so far have been cashed by the designated person.

9. However, upon appearance on a scheduled meeting in the Bankruptcy court, The judge sua sponte, announced that he is dismissing the case, a notice will be mailed to the Debtor.

10. I submit to this honorable court that the order of dismissal is arbitrary and capricious, therefore violates due process. There has been no notice, There has been no motion to dismiss by the adverse parties.

11. The debtor is unduly prejudiced by the unjust dismissal of the Bankruptcy petition, and the creditors will not be harmed by continuing the automatic stay, pending the determination of this appeal, since the debtor will continue to make the payments to honor the terms of the repayment scheduled.

12. The debtor has no other remedy available at law.

Wherefore: the debtor prays that this honorable court will issue an order granting the afforsiad relief and any other further relief that is just and proper.

I declare under the penalty of perjury that the foregoing is true to the best of my knowledge.


MARCEL C. BRISTOL, PRO SE
DEBTOR APPELLANT

DATED JULY, 14, 2009

CC. MARIA DEROSA, TRUSTEE.